

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1 and 5 are pending in the application. Please amend Claim 1, as shown herein. Please also amend the paragraph of the Specification on page 5, line 20 – page 6, line 10, as shown herein. No new matter has been added.

The Examiner objected to Claim 1, due to minor informalities. Specifically, the Examiner alleged that the recitation “the transmission data is made by allocating the retransmission data block at a location where the retransmission data block of the transmission data block will be included,” seems to be awkward. Applicant gratefully acknowledges a telephone conversation initiated by the Examiner to Applicant’s counsel, Ryan C. Carter, Esq., on November 8, 2006, in which said counsel discussed that the word “block” after “transmission data” should be deleted, because the retransmission data block is not part of the transmission data block, but instead, is part of the transmission data.

As further discussed in said conversation, the reason for this apparent error in Claim 1 is an apparent error in the specification, where on pg. 6, lines 2-5 it is stated that the core network “assigns a demanded retransmission data block to a retransmission data block position of the transmission data block before transmission to the plurality of MSs.” Here, the recitation “block” after “transmission data” also is incorrectly recited.

Accordingly, as previously stated the aforementioned recitation in the Specification and the recitation in Claim 1 have been amended herein to cure these instances. Support for these amendments can be found at least in FIG. 3, which clearly illustrates how the retransmission data block is part of the transmission data, and is separate from the transmission data block. It is respectfully asserted that the “transmitting data” recitation in Claim 1 further supports these amendments, since it recites, “transmitting data including the header block, transmission and retransmission data blocks.” Accordingly, the retransmission data block is included in the

transmission data.

It is respectfully submitted that the foregoing amendments cure the claim objection. Withdrawal of the same, therefore, is respectfully requested.

The Examiner rejected Claims 1 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0005382 to *Chen et al.* (hereinafter *Chen*) in view of U.S. Publication No. 2003/0023915 to *Choi* and U.S. Patent No. 4,908,828 to *Tikalsky*. Applicant respectfully traverses.

Particularly, the stated combination does not teach the following Claim 1 recitation: “transmitting data including the header block, transmission and retransmission data blocks from the core network to the MSs following reception of the report data from the MSs”. The Examiner alleged that in paragraph [0030], which describes FIG. 3, *Chen* teaches transmitting retransmission data blocks from the core network to the MSs following reception of the report data from the MSs. However, *Chen* does not transmit data including the header block, transmission and retransmission data blocks, as recited in Claim 1.

The Examiner cites *Choi* to cure this deficiency in *Chen*. Paragraph [0018] in *Choi* discloses transmission of a header, payload block and redundancy block, which may read on the header, transmission and retransmission data blocks in Claim 1. Paragraph [0020] in *Choi* discusses how the stream of datablocks is received by a decoder, and is demodulated such that the MAC header is removed and examined to determine which part (i.e., error packets) of the datablock is to be retransmitted (par [0020], lines 8-13). If error packets are detected, then the transmitter requests retransmission of only those error packets to the source system (lines 13-17). At the same time, the payload blocks that arrived successfully are forwarded to a buffer, and are not further transmitted in this operation (lines 17-21).

Accordingly, although *Choi*'s request for retransmission, by the transmitter to the source system, may remotely read on the reception of report data from the MSs in Claim 1, it is respectfully asserted that *Choi* does not specifically disclose that data including the header block, transmission and retransmission data blocks are transmitted after receiving the report data from the transmitter. Instead, *Choi* only retransmits error packets after receiving said request. In fact, since the MAC header is removed in *Choi* before the retransmission, it appears that it is not transmitted after receiving said report data.

It is further noted that *Tikalsky*, cited by the Examiner mainly to teach the recitations found in the "wherein" clause in Claim 1, does not specifically recite a skip determiner that determines whether a receiving operation for the retransmission data block is skipped. Although this determination may be suggested in *Tikalsky*, the skip determiner, *per se*, is not disclosed in this reference.

In view of the foregoing, it is respectfully submitted that the Examiner's §103(a) rejection of Claims 1 and 5 is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability *per se* of dependent Claim 5, this claim is likewise believed to be allowable by virtue of its dependence on amended independent Claim 1. Accordingly, reconsideration and withdrawal of the rejection of dependent Claim 5 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1 and 5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the printed name.

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